

63M-7-404 Purpose – Duties (Sentencing Commission)

- (1) The purpose of the commission shall be to develop guidelines and propose recommendations to the Legislature, the governor, and the Judicial Council about the sentencing and release of juvenile and adult offenders in order to:
- (a) respond to public comment;
 - (b) relate sentencing practices and correctional resources;
 - (c) increase equity in criminal sentencing;
 - (d) better define responsibility in criminal sentencing; and
 - (e) enhance the discretion of sentencing judges while preserving the role of the Board of Pardons and Parole and the Youth Parole Authority.
- (2) (a) The commission shall modify the sentencing guidelines for adult offenders to implement the recommendations of the Commission on Criminal and Juvenile Justice for reducing recidivism.
- (b) The modifications under Subsection (2)(a) shall be for the purposes of protecting the public and ensuring efficient use of state funds.
- (3) (a) The commission shall modify the criminal history score in the sentencing guidelines for adult offenders to implement the recommendations of the Commission on Criminal and Juvenile Justice for reducing recidivism.
- (b) The modifications to the criminal history score under Subsection (3)(a) shall include factors in an offender's criminal history that are relevant to the accurate determination of an individual's risk of offending again.
- (4) (a) The commission shall establish sentencing guidelines for periods of incarceration for individuals who are on probation and:
- (i) who have violated one or more conditions of probation; and
 - (ii) whose probation has been revoked by the court.
- (b) The guidelines shall consider the seriousness of the violation of the conditions of probation, the probationer's conduct while on probation, and the probationer's criminal history.
- (5) (a) The commission shall establish sentencing guidelines for periods of incarceration for individuals who are on parole and:
- (i) who have violated a condition of parole; and
 - (ii) whose parole has been revoked by the Board of Pardons and Parole.
- (b) The guidelines shall consider the seriousness of the violation of the conditions of parole, the individual's conduct while on parole, and the individual's criminal history.
- (6) The commission shall establish graduated sanctions to facilitate the prompt and effective response to an individual's violation of the terms of probation or parole by the adult probation and parole section of the Department of Corrections in order to implement the recommendations of the Commission on Criminal and Juvenile Justice for reducing recidivism, including:
- (a) sanctions to be used in response to a violation of the terms of probation or parole;
 - (b) when violations should be reported to the court or the Board of Pardons and Parole; and
 - (c) a range of sanctions that may not exceed a period of incarceration of more than:
 - (i) three consecutive days; and
 - (ii) a total of five days in a period of 30 days.
- (7) The commission shall establish graduated incentives to facilitate a prompt and effective response by the adult probation and parole section of the Department of Corrections to an offender's:
- (a) compliance with the terms of probation or parole; and
 - (b) positive conduct that exceeds those terms.